

REMARKS

This Request for Reconsideration is prepared in response to the final Office action mailed on 22 November 2006 (Paper No. 20061024).

No amendments have been made to the claims. Thus, claims 1-34 are pending in the application.

Claims 1-3, 5, 9, 11-16, 19-24, and 27 have been rejected under 35 U.S.C. §102 as anticipated by Tsai (U.S. Patent No. 6,734,998) for the reasons stated in sections 2 and 3 on pages 3-5 of the Office Action and this rejection is traversed for the following reasons:

As recited in independent claims 1, 15, and 22, the present invention is directed to an apparatus and method for **correcting a scanning error in a flatbed scanner**.

For example, claim 1 recites: “a controller comparing information of said black patch read by said reading module with a predetermined reference value **to correct the scanning error in the flatbed scanner**” (emphasis added).

Similarly, claim 15 recites: “**correcting the scanning error [in the flatbed scanner]** according to the result of comparing the detected information related to said black patch with a predetermined reference value” (emphasis added).

Furthermore, claim 23 recites: “comparing the information detected of the pattern of said black patch with a respective predetermined reference value to correct scanning errors” (emphasis added).

On the other hand, Tsai relates to a method for determining scan line misalignments. Tsai does not teach or suggest or even consider correcting scanning errors after errors have been detected.

For example, lines 27-29 of column 1 of Tsai states: “if a missed scan line 12 is observed by the testing personnel, the scanner is returned to the factory for adjustments” (emphasis added).

Furthermore, lines 11-13 of column 2 of Tsai states: “It is an advantage that the present invention can detect scan line misalignments with sub-pixel accuracy, thus fulfilling the more rigid requirements for high-level scanners.”

Thus, Tsai only detects scan line errors and does not correct scan line errors as recited in the present claims.

As to the Examiner’s Response to Arguments contained in section 1 bridging pages 2 and 3 of the Office Action, the Examiner has cited sections of Tsai which do not support the Examiner’s arguments.

For example, the Applicant has argued that the black path is in a separate document to be scanned (see Fig. 3 of Tsai). In response thereto, the Examiner has cited lines 57-63 of column 2 of Tsai which in fact supports the Applicant's arguments in that it refers to a document 36 having a white background and a black bias 37.

Furthermore, the applicant has argued that in Tsai, the top edge line is not necessarily used as P1,P2,P3 is a boundary point between the black and white region in general, but does not necessarily look at from a top edge line. In response thereto, the Examiner argues that this means that the top edge line can be used as boundary point between the black-and-white regions. The Examiner is used in the wrong criterion here in that it is settled patent law that merely because an element can be used in a specific fashion does not mean that it would be obvious to do so.

In a similar fashion, lines 5-15 of column 3 and lines 22-31 of column 1 of Tsai do not support the arguments raised by the Examiner. Additionally, the last two citations of Tsai also do not support the arguments raised by the Examiner.

As to the specific points repeated by the Examiner in the rejection of the claims, the arguments previously presented are still valid and incorporated by reference herein.

Furthermore, claim 3 recites that the controller corrects a scan start line. However, as noted above, Tsai does not teach or suggest correcting anything.

Still furthermore, claim 9 recites the controller adjusting a scan rate based on predetermined a right and left intervals with respect to the center of said black patch read through said reading module. However, Tsai does not teach or suggest determining the center of the black patch.

Claim 13 recites a transparent glass and a buffer with the controller controlling the output of the image stored in the buffer to correct the scanning error. As noted above, Tsai does not teach or suggest correcting anything.

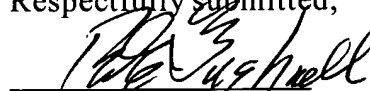
In a similar fashion, the rejected dependent claims which are dependent upon independent claims 15 and 22 recite features neither taught nor suggested by Tsai.

In view of the above, it is submitted that claims 1-34 on patentable over Tsai and should now be in a condition suitable for allowance.

No other issues remaining, reconsideration and favorable action upon all the claims now present in the application is respectfully requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's undersigned attorney.

No fee is incurred by this Request.

Respectfully submitted,



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